

FILED

IN THE UNITED STATES DISTRICT COURT **FEB 14 2024**
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

**Clerk, U.S. District Court
Texas Eastern**

UNITED STATES OF AMERICA

§

v.

§

No. 4:24-CR-

25

MUSTAFA SHAKER (1)

§

GHAITH ALAGELE (2)

§

OLIVER VIELMAN-SOLIS (3)

§

Judge

ALM / AGD

INDICTMENT

The United States Grand Jury Charges:

A. INTRODUCTION

At all times material to this Indictment:

1. 18 U.S.C. § 922(a)(6) makes it a crime for anyone to make a false or fictitious oral or written statement to a licensed firearms dealer in order to acquire a firearm. A statement is “false or fictitious” if it was untrue when made and was then known to be untrue by the person making it. A false statement is “likely to deceive” if the nature of the statement, considering all of the surrounding circumstances at the time it is made, is such that a reasonable person of ordinary prudence would have been actively deceived or misled.

2. Federal Firearms Licensees (FFL) are dealers of firearms who sell firearms as part of their livelihood. FFLs are required by federal law to maintain records relating to the sale of firearms to consumers. The principal purpose of requiring licensed firearms dealers to obtain such information from purchasers is to assist law enforcement. One of

the records required to be kept by FFLs is the Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473 (Form 4473). Rifle Gear FFL is a gun store that is owned and operated by FFLs.

3. FFLs may not lawfully sell a firearm to the public without first having the prospective purchaser complete the Firearms Transaction Record (ATF Form 4473)—in which the purchaser answers questions about his or her eligibility to legally purchase or possess firearms under penalty of perjury—and facilitating a background check to verify the purchaser's eligibility. On this same form, Question 11.a. requires the prospective purchaser to certify—under penalty of law—if he or she is “the actual transferee/buyer of the firearm(s) listed on this form,” which is a fact material to the lawfulness of the firearm sale. If a person purchases a firearm for someone else but claims that he or she is “the actual transferee/buyer of the listed firearm(s),” the firearm acquisition is called a “straw purchase” and this conduct is also commonly called “lying-and-buying,” which is a violation of 18 U.S.C. § 922(a)(6).

COUNT ONE

Violation: 18 U.S.C. §§ 371, 922(a)(6) (Conspiracy to Acquire a Firearm from a Licensed Dealer by False or Fictitious Statement)

From on or about June 19, 2019, and continuing until on or about the date of the filing of this Indictment, in the Eastern District of Texas and elsewhere, the defendants,

**MUSTAFA SHAKER (“SHAKER”)
GHAITH ALAGELE (“ALAGELE”)
OLIVER VIELMAN-SOLIS (“SOLIS”)**

did knowingly and willfully combine, conspire and agree with each other and with other persons known and unknown to the United States Grand Jury (hereinafter “Coconspirators”) to make false and fictitious written statements to a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, in connection with the acquisition of a firearm, which statement was intended and likely to deceive the said licensed dealer of firearms as to a fact material to the lawfulness of such sale of the said firearm, in violation of 18 U.S.C. § 922(a)(6).

B. MANNER AND MEANS OF THE CONSPIRACY

Among the means that the defendants and coconspirators carried out the object of the conspiracy were:

4. The conspirators formulated a plan to purchase firearms on behalf of others with the intent to resell them for profit and/or smuggle them from the United States;

5. The conspirators identified and located certain firearms for sale by FFL's located throughout the state of Texas, said firearms being highly sought by the Mexican drug cartels;

6. The conspirators traveled from their homes to the identified FFLs in order to purchase the firearms;

7. The conspirators utilized straw purchasers to make the firearms purchases on their behalf; and

8. Since December 2023, coconspirators have conspired to attempt to purchase more than 20 high-powered rifles.

C. OVERT ACTS

In furtherance of the conspiracy and to affect the objects thereof, in the Eastern District of Texas and elsewhere, at least one of the conspirators committed and caused to be committed, at least one of the following overt acts:

9. On or about January 10, 2024, **ALAGELE** traveled from California to Texas with the intent to straw purchase firearms. **ALAGELE** was picked up at D/FW Airport by **SHAKER**. Together they traveled to meet **SOLIS** at RifleGear FFL, located in The Colony, Eastern District of Texas. After obtaining the purchase funds from **SOLIS**, which **SOLIS** had hidden in a secret compartment in his vehicles, **ALAGELE** and **SHAKER** entered RifleGear FFL and unlawfully purchased an FN, model M249S, 5.56mm caliber rifle, bearing serial number M249SA09562 and a Stoeger, model STR-9, 9mm caliber pistol, bearing serial number T6429-22Z02557 with approximately \$11,000.00 in cash. **SOLIS**, **ALAGELE** and **SHAKER** were found to be in possession

of approximately \$80,000 in illicit funds which were to be used to unlawfully purchase firearms.

COUNT TWO

Violation: 18 U.S.C. § 932(b)(2)
(Straw Purchasing of Firearms)

On or about January 10, 2024, in the Eastern District of Texas,

**MUSTAFA SHAKER (“SHAKER”)
GHAITH ALAGELE (“ALAGELE”)
OLIVER VIELMAN-SOLIS (“SOLIS”)**

defendants, did knowingly conspire with each other and others known and unknown to the United States Grand Jury to purchase firearms, including, but not limited to: an FN, model M249S, 5.56mm caliber rifle, bearing serial number M249SA09562 and a Stoeger, model STR-9, 9mm caliber pistol, bearing serial number T6429-22Z02557, in or otherwise affecting interstate or foreign commerce for, on behalf of, or at the request or demand of **OLIVER VIELMAN-SOLIS**, knowing or having reasonable cause to believe that **OLIVER VIELMAN-SOLIS** intended to use, carry, possess or sell or otherwise dispose of the firearm in furtherance of a felony, to wit: Texas Penal Code § 46.14, Firearm Smuggling, in violation of Title 18, United States Code, Section 932(b)(2)

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

Pursuant to 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 924(d), 18 U.S.C. § 934, and 28

U.S.C. § 2461.

As the result of committing the offenses alleged in this Indictment, the defendants shall forfeit to the United States:

- a. any firearms and ammunition involved or used in the commission of these offenses;
- b. any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such violation; and
- c. any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation, including but not limited to:

Oliver Vielman-Solis

1. \$10,000 recovered from S2 Armory FFL, located at 4139 W. Bell Road, Suite 6S, Phoenix, AZ
2. \$2,317 recovered from **SOLIS** at the time of his arrest
3. Century Arms, model WASR10, 7.62x39mm caliber rifle, bearing serial number ROA 23 UG-0087
4. Pioneer Arms, model Sporter, 7.62x39mm caliber rifle, bearing serial number PAC23PL15489F
5. 2011 gray Kia Sportage SUV, VIN: KNDPB3A27B7080059 seized from **SOLIS** at the time of his arrest

Mustafa Shaker

1. \$4,000 recovered from **SHAKER** at the time of arrest
2. Stoeger, model ATR-9, 9mm caliber pistol, bearing serial number T6429-22Z02557

Ghaith Alagele & Oliver Vielman-Solis

1. \$66,700 provided to **ALAGELE** from **SOLIS**
2. FNH USA, LLC, model M249S, 5.56mm caliber rifle, bearing serial number M249SA09562

A TRUE BILL



GRAND JURY FOREPERSON

DAMIEN M. DIGGS
UNITED STATES ATTORNEY



MATTHEW T. JOHNSON
Assistant United States Attorney

Date:

2/14/24
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NOTICE OF PENALTY

Count One

Violation: 18 U.S.C. §§ 371, 922(a)(6)

Penalty: Imprisonment of not more than 5 years, a fine not to exceed \$250,000, or both; a term of supervised release of not more than three years.

Special Assessment: \$ 100.00

Count Two

Violation: 18 U.S.C. § 932(b)(2)

Penalty: Imprisonment of not more than fifteen (15) years, a fine not to exceed \$250,000, or both. A term of supervised release of not more than three (3) years.

Special Assessment: \$100.00